

*Exhibit*

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**000091**

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

3

4

5 RENALDO NAVARRO,

6 Plaintiff,

7 v.

No. 3:19-CV-8157

8 MENZIES AVIATION, INC.,  
9 doing business as MENZIES  
and DOES 1 through 10,  
inclusive,

10 Defendants.

11 \_\_\_\_\_ /

12 Zoom Remote Deposition of

13 RAUL VARGAS

14 Tuesday, August 25, 2020

15 **CERTIFIED COPY**

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20

21 REPORTED BY: CINDY TUGAW, CSR #4805

22

23

24 NOGARA REPORTING SERVICE  
5 Third Street, Suite 415  
25 San Francisco, California 94103  
(415) 398-1889

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6 ---oo---

## 7 E X H I B I T S

## 8 Plaintiff's

9 Exhibit 1	Plaintiff Renaldo Navarro's Amended Notice of Deposition of Raul Vargas	9
11 Exhibit 8	Petition to Menzies Management from Menzies Fuelers	26
13 Exhibit 9	Termination notice for Renaldo Navarro	60
15 Exhibit 11	Employee Performance Development dated 8/29/2018	61
17 Exhibit 12	Email chain culminating in an email from Raul Vargas to Tracy Aguilera dated August 29, 2018	66
19 Exhibit 19	Letter from Rafael Vasquez to whom it may concern dated 11/18/2018 with attached petition	43

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1 BE IT REMEMBERED that, pursuant to Notice of  
2 Taking Deposition and on Tuesday, the 25th day of  
3 August, 2020, commencing at the hour of 9:03 o'clock  
4 a.m. thereof, via Zoom videoconference, before me,  
5 CINDY TUGAW, a Certified Shorthand Reporter in the  
6 State of California, personally appeared,

7 RAUL VARGAS,  
8 called as a witness by the Plaintiff, having been by me  
9 first duly sworn, was examined and testified as  
10 hereinafter set forth.

11 | ---oo---

12 | APPEARANCES OF COUNSEL

13 For the Plaintiff  
LIBERATION LAW GROUP, P.C.  
14 2760 Mission Street  
San Francisco, California 94110  
15 BY: ARLO GARCIA URIARTE, Attorney at Law  
(415) 695-1000

17 For the Defendants  
18 FOLEY & LARDNER, LLP  
19 555 California Street, Suite 1700  
20 San Francisco, California 94104  
21 BY: JASON Y. WU, Attorney at Law  
22 (415) 984-9848

Also Present: David Ho, Zoom Host.

---oo---

25

1 had with her, it was about somebody from the union  
2 contacting her to let her know that somebody was  
3 requesting to sign a petition to the employees.

4 Q. Anything else?

5 A. Yes. She mentioned that -- that employees  
6 were -- were not agreeing on signing it.

7 Q. Okay. Anything else?

8 A. Nothing else that I can recall.

9 Q. And then, with regards to the content of the  
10 petition, after you read it, did you make any decision  
11 related to the contents of the petition?

12 A. Yes, I talked to Tracy to -- to have the  
13 investigation.

14 Q. What type of investigation?

15 A. An investigation about the petition and about  
16 the -- how the petition was made.

17 Q. How the petition was --

18 A. Performed.

19 Q. Was performed?

20 A. Yes.

21 Q. So you mean, when you say "how the petition  
22 was performed," you mean how the petition was put  
23 together, correct?

24 A. Yes.

25 Q. Anything else that you asked Tracy to do in

1 relation to the petition?

2 A. Nothing else at that time.

3 Q. Okay. And so you said to do an investigation  
4 about the petition. What does that mean? What did you  
5 actually tell Tracy to do?

6 A. To perform an investigation about how --  
7 because we received some calls from the union, and also  
8 received some information about Andrew, that he  
9 received a message from Navarro. So at that time it  
10 was important for me to understand how that petition  
11 was created. How they did it.

12 Q. All right. And then you said also about how  
13 the petition was put together. So why was it important  
14 for you to know how or who put together the petition?

15 A. Because of the feedback that I received from  
16 Tracy, from HR.

17 Q. And what's that information that you received  
18 from HR?

19 A. As I said before, she told me that somebody  
20 from the union contact her telling her that there was a  
21 person asking for sign a petition, who was forcing the  
22 employees to do it.

23 Q. And did you ever find out who actually put  
24 together the petition?

25 A. Yes, we did.

1 MR. URIARTE: Q. Mr. Vargas?

2 A. Well, I think that when you receive a message  
3 from -- I don't know where -- somebody in relation to a  
4 petition, that is an alert.

5 Q. Is what?

6 A. Is an alert.

7 Q. Okay. But I guess my question is how does  
8 that text message lead you to conclude that Mr. Navarro  
9 wrote the petition?

10 A. That was not the one that drove me to  
11 understand that Mr. Navarro did the petition.

12 Q. What did make you understand that Mr. Navarro  
13 wrote it?

14 A. Well, because the investigation from the  
15 safety department.

16 Q. Okay. So the investigation from the safety  
17 department actually has a report?

18 A. They have statements from employees.

19 Q. Statements from employees. Okay. Anything  
20 else?

21 A. They had a statement from employees and their  
22 final outcome out of the investigation.

23 Q. Are you talking about the final outcome as  
24 they wrote it in the email?

25 A. Yes.

1 Q. Okay. So aside from the final outcome that  
2 they wrote in the email, is there another document that  
3 they put together or that was it?

4 A. No.

5 Q. That was it?

6 A. That was it.

7 Q. Okay. And then the statement from the  
8 employees, from that you conclude that Mr. Navarro  
9 wrote it?

10 A. Yes.

11 Q. Okay. So if I read those statements,  
12 somewhere in those statements it would say Mr. Navarro  
13 wrote the petition?

14 A. I think that -- no, it doesn't say about Mr.  
15 Navarro writing the petition. It's says about Mr.  
16 Navarro forcing the employees to sign the petition  
17 which is -- this isn't about writing the petition.  
18 It's about creating harassment environment in the  
19 workplace.

20 Q. Okay. I understand that. I understand that.  
21 Your attorneys have kind of said that to me many times,  
22 so I understand that. But I'm still kind of like  
23 before that, right? I'm still trying to get to the  
24 point of trying to understand how you got to the  
25 conclusion in your head that, hey, Mr. Navarro wrote

1           Q. Okay. So forcing employees to sign the  
2 petition. What's wrong with that?

3           A. Well, I think that when you have -- you take  
4 advantage of your rank, that is harassment because of  
5 how the other people feel.

6           Q. Anything else that's wrong with that?

7           A. Yes. So when they use this rank, people feel  
8 scared of having this confrontation with the  
9 supervisor, so they prefer to sign the petition without  
10 understanding what the petition was for.

11          Q. So are you saying that the safety department  
12 talked to everybody that signed that petition and  
13 verified whether they actually signed it or not?

14          A. I cannot guarantee that they talked to hundred  
15 percent of the employees.

16          Q. Okay. But do you know how many people they  
17 talked to?

18          A. I don't know exactly how many people they  
19 talked to.

20          Q. And then you used the word "harassment." How  
21 are you using that word "harassment"? What do you mean  
22 by that?

23          A. Well, for me, harassment is pretty much --  
24 it's to force or intimidate people. So, in this case,  
25 when he's taking his rank as a supervisor, telling

1 people to sign a petition that they don't know what  
2 it's for, that for me is intimidation. And that's how  
3 they -- the employees felt.

4 Q. How many employees are we talking about --

5 A. Well --

6 Q. -- that felt like that?

7 A. I'm sorry?

8 Q. How many employees felt like that?

9 A. I cannot tell you exactly the number of, but I  
10 can tell you in terms of the -- the statements we  
11 received. There were around three employees.

12 Q. And then there were over 20 people who signed  
13 the petition, right?

14 A. Yeah.

15 Q. So out of the more than 20 people who signed  
16 the petition, three people felt like, oh, maybe I  
17 didn't read it and then I signed it and maybe I --

18 MR. WU: Objection. Objection. Lack of  
19 foundation. Calls for speculation. Misstates prior  
20 testimony.

21 MR. URIARTE: Q. So, Mr. Vargas, when your  
22 attorney objects, we allow him to finish his objection  
23 so that it's written into the record. Please allow him  
24 to finish, and then you can answer afterwards unless  
25 your attorney tells you not to answer. Okay?

1 from, if the document is signed by people who felt  
2 harassment. So what's the validation of that document?

3 Q. But we also have other people who didn't feel  
4 that way, right?

5 A. We don't know.

6 MR. WU: Objection. Lack of foundation.

7 Misstates prior testimony.

8 MR. URIARTE: Q. So I guess my question is this:

9 So the document itself, the petition itself, talks  
10 about things that they're not happy about, correct?

11 Would you agree with that?

12 A. I disagree with it.

13 Q. Okay.

14 A. I don't agree with it because you're saying  
15 "they," and at this point, when I see there's employees  
16 forced to sign it, it means that there is somebody, one  
17 person, that is pretty much complaining for that, not  
18 the whole thing.

19 Q. I see what you're saying. You're saying  
20 because you believe that there's one person forcing  
21 people to sign, that you don't believe the petition  
22 anymore.

23 A. I don't -- I don't -- I don't have the same  
24 validity of the petition anymore.

25 Q. Validity?

1 A. Validity, I'm sorry.

2 Q. No problem. I talk the same way, so I totally  
3 understand you.

4 Okay. I get that. I guess, from your mind, I  
5 could see how you could think that way. But that might  
6 not make sense when you take into consideration a  
7 second petition after the termination of Mr. Navarro.

8 What about that?

9 A. The second petition, it was not brought after.

10 Q. It was. It was. It was brought after.

11 MR. WU: Objection. Assumes facts. Lack of  
12 foundation.

13 MR. URIARTE: I'll show it to you so we can put  
14 that to rest. I'll show that to you, don't worry.

15 So here's -- can we have Exhibit 8 up, please,  
16 David. Thank you.

17 (Plaintiff's Exhibit 8 marked for  
18 identification.)

19 MR. URIARTE: Q. So, Mr. Vargas, do you see this  
20 one --

21 A. Yes.

22 Q. -- which we've been calling the first  
23 petition?

24 Is this the one -- do we agree this is the one  
25 that you saw initially when you say that you talked to

1 Tracy and Renil? Does that make sense?

2 A. I cannot confirm a hundred percent that this  
3 was the one.

4 Q. Okay. So if we go down a little bit, yeah,  
5 you'll see Mr. Navarro's signature on this one.

6 A. Yes.

7 Q. And this document actually comes from your  
8 company, if you see the Menzies number there, Menzies  
9 153. And so line 24 there on the second page -- I'm  
10 sorry, line 16 of the second page has Mr. Navarro's  
11 signature. Do you see that?

12 A. Yes.

13 Q. All right. So, again, going back to your  
14 conclusion earlier, you're saying, if you think that  
15 Mr. Navarro was forcing all of these people to sign the  
16 petition, you believe the petition is now without  
17 validity, is that correct?

18 A. Well, I don't think that it has the same  
19 validity, definitely. Now, what is most important to  
20 bring out is that I had a conversation with HR about  
21 Andrew, because they were -- in the letter I believe  
22 they complained also about him falling asleep on the  
23 operation.

24 Q. So I had this conversation with HR. And they  
25 explained to me and they addressed that issue before I

1 started working at Menzies. Because, again, I started  
2 June 2018. And this was happening -- this happened in  
3 August.

4 Q. Yes. Right. So you started in June of 2018,  
5 and this was happening in August. So you didn't have  
6 that much kind of context with regard to what was  
7 happening from the last year, is that correct?

8 A. (Indicates affirmatively.)

9 Q. Mr. Vargas?

10 A. Yes.

11                   MR. WU: Arlo, I'm sorry to interrupt. Can we  
12 take a quick break in the next five minutes? Whatever  
13 is a good stopping point for now.

14 MR. URIARTE: That's fine. We can take a break  
15 now. No problem.

16                   MR. WU: Thanks a lot, Arlo. Let's go off the  
17 record.

18 MR. URIARTE: No problem.

19 (Brief recess.)

20 MR. URIARTE: Q. So we were talking about Exhibit  
21 8, Mr. Vargas. My question is with regards to the  
22 actual things that the fuelers were complaining about.  
23 And I just want to clarify something.

1 outcome of that conversation with HR.

2 Q. Okay. Mr. Vargas, let me put it directly  
3 here. If it's true, just theoretically, if it's true  
4 that Nicco, John and Renil are covering up for the  
5 mistakes of Andrew Dodge, would that be something that  
6 maybe Nicco, John and Renil should be terminated for?

7 A. I think that it would be important to make an  
8 investigation before we take into consideration.

9 Q. But that's a serious allegation, right?

10 A. I'm sorry?

11 Q. That's a serious allegation.

12 MR. WU: Objection. Improper hypothetical.

13 You can answer the question.

14 MR. URIARTE: Q. That's a serious allegation.

15 A. And as I said before, for me, anything that  
16 affect the environment of our employees is valid.

17 Q. Yeah, it's valid, definitely. But my question  
18 was that would be serious, wouldn't you agree, as a  
19 manager, if somebody --

20 A. Again, it all depends on the investigation.  
21 So I cannot tell you, because the letter says that,  
22 but --

23 Q. Sure.

24 A. -- we did an investigation as we did with  
25 Navarro.

1	CERTIFICATE OF WITNESS
2	---oo---
3	
4	I, RAUL VARGAS, hereby declare under
5	penalty of perjury that I have read the foregoing
6	deposition testimony; and that the same is a true
7	and correct transcription of my said testimony
8	except as corrected pursuant to my rights under
9	Rule 30(e) of the Federal Rules of Civil
10	Procedure.
11	
12	_____ Signature
13	
14	_____ Date
15	
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1 STATE OF CALIFORNIA )  
2 )  
2 COUNTY OF SAN FRANCISCO )

3 I, CINDY TUGAW, a Certified Shorthand Reporter  
4 of the State of California, duly authorized to  
5 administer oaths pursuant to Section 8211 of the  
6 California Code of Civil Procedure, do hereby certify  
7 that

8 RAUL VARGAS,  
9 the witness in the foregoing deposition, was by me duly  
10 sworn to testify the truth, the whole truth and nothing  
11 but the truth in the within-entitled cause; that said  
12 testimony of said witness was reported by me, a  
13 disinterested person, and was thereafter transcribed  
14 under my direction into typewriting and is a true and  
15 correct transcription of said proceedings.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption.

21 Dated the 10th day of September, 2020.

22   
23  
24

25 CINDY TUGAW  
CSR No. 4805 (California)

1 Raul Vargas  
2 c/o Foley & Lardner  
3 555 California Street, Suite 1700  
4 San Francisco, CA 94104  
5 Attn: Jason Y. Wu, Esq.

6 Date: September 10, 2020  
7 Re: Navarro vs. Menzies  
8 Deposition Date: Tuesday, August 25, 2020

9 Dear Mr. Vargas,

10 Please be advised the original transcript of  
11 your deposition is ready for your review.

12 Pursuant to FRCP Rule 30(e), you have 30 days  
13 following the date of this notice to read, correct if  
14 necessary, and sign your transcript unless the  
15 attending parties and the deponent agree on the record  
16 or otherwise in writing to a longer or shorter time  
17 period. The deponent may change the form or the  
18 substance of the answer to a question, and may either  
19 approve the transcript of the deposition by signing it,  
20 or refuse to approve the transcript by not signing it.  
21 You are not required by law to read and sign your  
22 deposition transcript. All parties will be informed of  
23 the corrections. The original transcript will then be  
24 sealed and sent to the examining attorney pursuant to  
25 the applicable law.

26 You may either come to our office to read and  
27 sign the original transcript, or you may contact your  
28 attorney or the attorney who arranged for you to be  
29 present at your deposition. If they have ordered a  
30 copy of the transcript, you may review their copy and  
31 make corrections by submitting, signing and returning  
32 the attached form. If you choose to review your  
33 transcript at our office, please call first to make an  
34 appointment. Should you have any question regarding  
35 these instructions, please call.

36 Sincerely,

37  
38 NOGARA REPORTING SERVICE  
39 5 Third Street, Suite 415  
40 San Francisco, California 94103  
41 (415) 398-1889

42 cc: All counsel, original deposition